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| 10/527,841      | 03/15/2005  | Wildey J. Moore      | 7303-0003WOUS       | 1903             |

27735 7590 09/10/2007

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| EXAMINER |
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JOHNSON, STEPHEN

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| ART UNIT | PAPER NUMBER |
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3641

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09/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |   |  |
|------------------------------|---------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/527,841  | <b>Applicant(s)</b><br>MOORE, WILDEY J. |  |
|                              | <b>Examiner</b><br>Stephen M. Johnson | <b>Art Unit</b><br>3641                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3641

1. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 11, use of the phrase “characterized in that” makes the claim indefinite. Apparatus or article claims should be claimed in terms of the component structural elements and their interactions and not some characterization thereof. Further, use of such terminology makes the claims indefinite as to whether the claims limitations are intended to be open-ended or close-ended in nature (e.g. “comprising”, “including”, “consisting of”).

In claim 1, lines 18-19, the phrase “the frame breechblock portion” lacks complete agreement with its antecedent. In claim 1, line 20, the phrase “the extraction chamber” lacks an antecedent. Claim 1 lacks a period to denote the conclusion of the claim.

In claim 2, the phrase “a rearward portion” should be claimed as (said rearward portion) if this is the intended antecedent (see claim 1, line 5).

2. The disclosure is objected to because of the following informalities:

On page 5, line 12, the extractor is described as not shown. However, extractor is illustrated as item 38.

In fig. 1, the drawing is described as being prior art. However, on page 4, lines 2-3, fig. 1 is described as being a figure according to the present invention.

Appropriate correction is required.

3. The replacement sheets filed on 3/9/2007 have been approved.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3641

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (132).

Smith (132) discloses an improved bolt face for a firearm comprising:

- |  |                        |
|--|------------------------|
| a) a frame;  | A                      |
| b) a barrel with associated bore;  | C                      |
| c) a cartridge;  | inside C1              |
| d) a breech block portion of the slide;  | B                      |
| e) a firing pin;   | S                      |
| f) an extractor;   | M                      |
| g) an ejector attached to the frame;   | L                      |
| i) grooves or slots associated with the extractor and ejector; see figs. 2 and 5 |                        |
| j) a semi-circular groove of the breech block portion;                           | see figs. 2 and 3      |
| k) an extractor recess;  | contains M; see fig. 2 |
| l) a bolt face insert with semi-circular rim; and                                | F; see figs. 2, and 3  |
| m) breech block and bolt face sides.   | F; see fig. 1          |

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Strayer (465).

Art Unit: 3641

Strayer (465) discloses an improved bolt face insert comprising:

- a) grooves or slots associated with the extractor and ejector; see figs. 6, 7
- b) a longitudinal axis with hole in the body; 72
- c) a semi-circular rim ; see figs. 6, 7
- d) a longitudinal ejector slot; and slot adjacent 74
- e) an extractor groove. 78

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schuerman (677) discloses a state of the art bolt face insert.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158.

The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

/Stephen M. Johnson/  
Primary Examiner, Art Unit 3641

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
September 3, 2007